

**MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
JULY 14, 2009**

MEMBERS PRESENT: Richard Girouard, Chairman
John Doris
Andy Lubin
John Lauria
Arlyne Fox
David Lucas
Lars Jorgensen
Kevin Chamberlain, Alternate (not voting on 09-09, 09-21, 08-28)
Richard Deecken, Alternate (not voting)

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer
Neil Lieberthal, Esq., Town of Trumbull Attorney

The Chair opened the work session at 5:00 p.m.

Arlyne Fox led the Commission in the Pledge of Allegiance.

Commissioner Lucas was allowed to participate and vote because he listened to the tapes, was at the previous meetings and is familiar with the sites.

Work Session:

After discussion and review, the Commission took action as follows:

09-09 – Ferri. Permit approval to construct a single family dwelling, driveway and grading in a regulated area at Parcel C, Sycamore Street.

Motion made (Lauria) seconded (Fox) to approve Application 09-09.

After discussion, Mr. Lauria withdrew his motion and Mrs. Fox withdrew her second.

Motion made (Jorgensen) seconded (Lucas), and carried by unanimous vote (Girouard, Doris, Lubin, Fox, Lauria, Lucas, Jorgensen) to DENY without prejudice Application 09-09; those voting in favor of denial gave the following reasons:

- 1) The application, as proposed, will have a significant impact on the wetlands;
- 2) Building a deck over wetlands does impact the wetlands;
- 3) No erosion plan was submitted;
- 4) Significant impact on the wetlands;
- 5) Changes to the water table;
- 6) Building on footings or stilts should not be allowed over wetlands and the Commission does not want to set a precedent;
- 7) Other reasonable and prudent alternates exist.

Commissioner Lubin noted for the record it is being denied based on the application as proposed and that the Commission was not given alternatives that show a less intrusive impact on the wetlands. He would be in favor of the house without the deck impinging on the wetlands and perhaps a smaller footprint and a cantilevered second level with less of an imprint foundation. It is being voted against only as specifically submitted.

**MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
JULY 14, 2009**

09-21 – Kachele. Permit approval to construct single family residence and driveway in a regulated area at Lot 1 Patriots Road.

Motion made (Fox) seconded (Lauria) to approve Application 09-21.

After discussion, Mrs. Fox withdrew her motion and Mr. Lauria withdrew his second.

Motion made (Fox) seconded (Jorgensen), and carried by a vote of 6 in favor (Girouard, Doris, Lubin, Jorgensen, Lucas, Fox) and one abstention (Lauria) it was voted to DENY without prejudice Application 09-21; those voting in favor of denial gave the following reasons:

- 1) The application, as proposed, will have a significant impact on the wetlands;
- 2) A hydrogeology study should have been done;
- 3) Less impact to the wetlands and larger buffer zones are preferred;
- 4) Not enough information was provided;
- 5) Lawn area could be reduced resulting in less clearing and more buffers;
- 6) Concerns regarding drainage under driveway;
- 7) Would like to see an alternative to the pump up station;
- 8) Other reasonable and prudent alternates exist.

Commissioner Lubin noted for the record it is being denied because the Commission was not offered an alternative with less intrusive wetlands impact which could include a smaller structure, larger buffers, less cutting of trees and vegetation and reduction of lawn area. Also, a hydrologic study indicating the effects of building a structure and driveway between two vibrant wetlands on the viability of the wetlands should have been done.

08-28 – Hyatt. Violation of permit approval conditions granted October 7, 2008. Cease and desist is in place and the Commission discussed how to proceed and address the issues.

Motion made (Fox) seconded (Doris), and carried by unanimous vote (Girouard, Doris, Lubin, Lucas, Jorgensen, Lauria, Fox) to keep the cease and desist order in effect until the following conditions are met:

- 1) A certified soil scientist shall be engaged for a wetland delineation with digging to the natural/original grade;
- 2) Soil scientist is to include how much wetlands have been filled within recent history and it shall be the soil scientist's opinion if it should be tested. This shall be performed under the guidance of the Town Engineer and compared to the 1964 Town Maps.
- 3) A professional land surveyor shall provide an A-2 / T-2 survey of the property prior to any further work and conduct an existing slope analysis to depict areas with slopes greater than 3:1;
- 4) A professional engineer shall design a proposed plunge pool and proposed swale in accordance with specifications contained within Connecticut Stormwater Quality Manual. The swale shall be 3 feet in width, have 3:1 side slopes with the bottom of the swale in the existing grade prior to the placed fill. Care shall be taken not to disturb or burden adjoining property. Swale shall be grassed with a slope less than 4% and shall be graded toward the plunge pool.
- 5) A professional engineer shall provide a detailed erosion control plan and construction schedule. All work shall be completed by October 26, 2009.
- 6) Cease and desist to remain in effect until the map and site plan is submitted and approved by the Town Engineer.
- 7) A case performance bond, calculated by the Town Engineer, shall be posted prior to commencement of work;

**MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
JULY 14, 2009**

- 8) Each phase of the work shall commence once notification is given 48 hours prior to the Town Engineer in accordance with the approved construction schedule;
- 9) All excavated fill to be removed from site and legally disposed of;
- 10) Once work has been completed and determined to be satisfactory, a professional land surveyor shall provide an "as-built" survey for the proposed work for the slopes, the plunge pool and the swale.

Any Other Business:

09-20 – Cook. Discussion regarding amending the motion that was approved at the July 7, 2009 meeting.

Motion made (Chamberlain) seconded (Fox) and carried by unanimous vote (Girouard, Doris, Lubin, Lauria, Fox, Jorgensen, Chamberlain) to AMEND the original motion of July 7, 2009 requiring the applicant to provide the following at the September meeting:

- 1) An a-2 survey of this property prepared by a licensed land surveyor on to which wetlands have been flagged by a professional soil scientist;
- 2) A Development Plan by a professional engineer showing the extent of existing clearing, the extent of the water course and wetlands, any proposed grading or filling including proposed drainage swale, any proposed plantings, proposed mitigation of any wetlands disturbance, if such disturbance has been identified by the soil scientist, and any other work the applicant is proposing;
- 3) The applicant shall proceed as soon as possible to remove the trees that are currently in the watercourse/wetland and he must provide 48 hours notice to the Wetlands' Agent and the work shall be performed under the direct supervision of the Town Engineer.

There being no objections the Chairman moved to adjourn the meeting at 6:45 p.m. No discussion.

Respectfully submitted,
Joyce Augustinsky, Clerk